

Instrument No. 015385
State of Iowa, Boone County, SS
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This 14 day of Sept, 2001
Sheryl J. Thul, Recorder, Fees \$ 11.00 Pd
Number of Pages 2

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Prepared by: Lee R. Johnson 214 W Walnut Ogden, IA 50212 515-275-4018

EASEMENT

This Easement is made this as of the 12th day of September, 2001, by and between Jeffrey A. Boggess and Christal S. Boggess, husband and wife, ("Boggesses"), and Twin Buttes L. P.

WHEREAS, Boggesses are the owners of the following described real estate, to-wit:

Parcel A in Southwest quarter (1/4) of Southwest quarter (1/4) of Section twenty-nine (29), Township eighty-five (85) North, Range twenty-seven (27), West of the 5th P.M., except public highway, as shown on Plat of Survey recorded in Plat Book 20, Page 44, in the office of the Recorder of Boone County, Iowa,

Parcel B in Southwest quarter (1/4) of Section twenty-nine (29), Township eighty-five (85) North, Range twenty-seven (27), West of the 5th P.M., Boone County, Iowa, except public highway, as shown on Plat of Survey recorded in Plat Book 24, Page 4, in the office of the Recorder of Boone County, Iowa,

and

WHEREAS, Twin Buttes L. P. is the owner of the following described real estate, to-wit:

Parcel C in Southwest quarter (1/4) of Section twenty-nine (29), Township eighty-five (85) North, Range twenty-seven (27), West of the 5th P.M., Boone County, Iowa, except public highway, as shown on Plat of Survey recorded in Plat Book 24, Page 3, in the office of the recorder of Boone County, Iowa,

and

WHEREAS, there is currently a waterway across the above-described Parcel C owned by Twin Buttes L. P. and across Parcel B owned by Boggesses which carries water from the property owned by Twin Buttes L. P. to a creek on the property owned by Boggesses, and

WHEREAS, repairs and shaping will need to be done on said waterway, and

WHEREAS, there are tile lines across the same parcels of real estate and new tile lines may need to be added for the benefit of said real estate.

NOW, THEREFORE, in consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

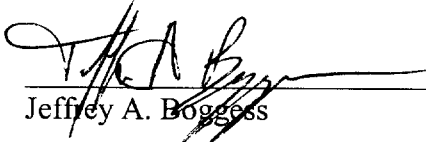
1. Twin Buttes L. P. shall have the right of ingress and egress across the real estate owned by Boggesses for the purposes of shaping, maintaining, repairing, and improving said waterway.

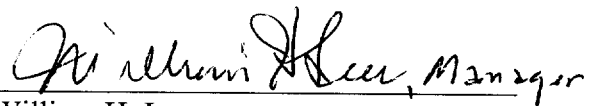
2. Twin Buttes L. P. shall have the right of ingress and egress across the real estate owned by Boggesses for the purpose of constructing, maintaining, and repairing tile lines which have the creek located on the above-described real estate owned by Boggesses as their outlet.

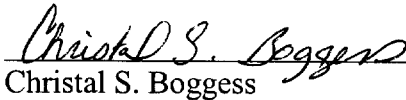
3. Twin Buttes L. P. shall promptly reimburse Boggesses for any damage to crops, fences or improvements caused by its exercise of the rights granted in this Easement.

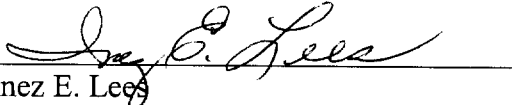
4. This Easement is intended to be a covenant running with the title to the above-described real estate and binding upon the parties, their heirs, successors and assigns. This Easement may be modified or released at any time by an appropriate agreement executed by the owners of the respective parcels of real estate executed and acknowledged and filed for record in the office of the Recorder of Boone County, Iowa.

Twin Buttes L. P.


Jeffrey A. Boggess

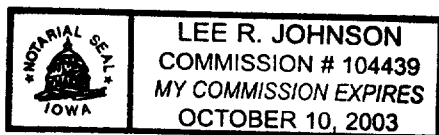
By 
William H. Lees

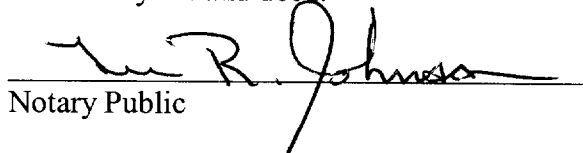

Christal S. Boggess

By 
Inez E. Lees

STATE OF IOWA, COUNTY OF BOONE, ss:

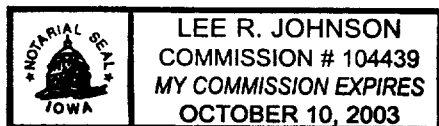
On this 12th day of September, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared Jeffrey A. Boggess and Christal S. Boggess, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

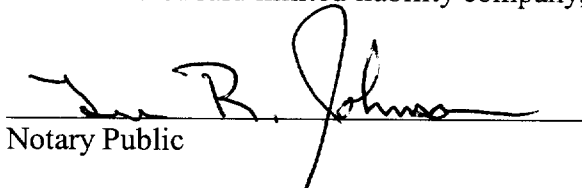



Notary Public

STATE OF IOWA, COUNTY OF BOONE, ss:

On this 12th day of September, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared William H. Lees and Inez E. Lees to me personally known, who being by me duly sworn, did say that they were managers of said limited liability company; that said instrument was signed and sealed on behalf of said limited liability company by authority of its members; and that the said Williams H. Lees and Inez E. Lees as managers acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company, by it and by them voluntarily executed.




Notary Public